

TANK NOTES



A Newsletter from
the Petroleum Storage Tank Bureau

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Fall 2003

AST Regulations Strong on Prevention

By Calvin Martin, Manager, Prevention Inspection Section

Extensive new regulations for petroleum above ground storage tanks, or ASTs, became effective on August 15, 2003. These regulations were developed over a two-year period that began in 2001 when the Legislature required that the Environmental Improvement Board adopt requirements for ASTs. The Environment Department's Petroleum Storage Tank Bureau drafted regulations with the help of a "stakeholders" group that included tank owners and operators, environmental groups, government agencies, and tank installers. If you own or operate an AST, these regulations, approved by the Board in July, may apply to you.

Are your tanks covered? First, determine whether your AST contains a regulated substance. Only ASTs containing petroleum and its derivatives and fractions are subject to the new AST regulations. Contact the Petroleum Storage Tank Bureau if your tank contains a mixture of petroleum and hazardous constituents or you are otherwise unsure if your tank is included. Second, determine whether your AST is within the size range for regulated tanks. Only ASTs that are 1,320 gallons to 55,000 gallons in size are affected.

Third, determine whether any of the exemptions in the regulations apply. There are exemptions for several types of tanks, including farm, ranch and residential tanks, tanks used in mining and oil field service operations, and tanks storing hazardous waste (which are governed instead by the Hazardous Waste Regulations). However, some exempted ASTs have operational requirements, so you may want to discuss this with a Bureau inspector even if you think your ASTs are exempt. The Bureau has prepared a detailed questionnaire to help you determine if your ASTs are regulated, which you may get from Kal Martin in Santa Fe (984-1938) or from your local inspector (*see* the list of field inspectors on p. 2).

The new regulations contain performance standards for regulated tanks, piping and associated equipment, which are discussed on page 4. Bureau staff are available throughout the state to assist AST owners and operators in understanding and complying with these requirements. Tank installers certified by the Bureau to install or repair tanks may also be familiar with the requirements.

The new AST requirements will be phased in. Take a look at the checklist of deadlines and requirements on page 3. New AST systems installed after August 15, 2003 must meet the technical standards in the regulations. August 15, 2004 is the deadline for existing AST systems to have spill and overfill prevention and release detection and for owners and operators to submit corrosion prevention plans. These plans, if required, must be implemented by July 1, 2006. Financial responsibility requirements must be met by July 1, 2007.

Existing ASTs have several years to upgrade to new performance standards, which extend to tanks, piping, secondary containment, venting, installation, vaults, dispensers and dispenser pans. Many AST systems in New Mexico already meet these standards while other owners and operators will need to start planning now to make the necessary upgrades. Any AST system that does not meet performance standards by July 1, 2011 must be closed. Closure requirements are also provided in the regulations.

This article provides only an outline of the many requirements for ASTs. You may obtain a copy of the new regulations from Rosina Lopez at (505) 984-1787, at any local office, or on our web page, www.nmenv.state.nm.us/ust. We hope that, by taking a preventive approach, the new regulations will ensure that New Mexico's precious water resources are protected for future generations.



TANK NOTES

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This newsletter is for the PST owner/operator population and is provided as a general information guide only. It is not intended to replace, interpret or modify manufacturers' protocols, or the rules, regulations or requirements of local, state or federal government, nor is it intended as legal or official advice. The opinions expressed in articles written by NMED staff and others are those of the authors and do not necessarily reflect those of NMED. We welcome your comments and suggestions. Send address changes and correspondence to: Petroleum Storage Tank Bureau, NMED, 2044 Galisteo, Santa Fe, New Mexico 87504. Check out the PSTB website at www.nmenv.state.nm.us/ust.

Notes from the Chief

by Jim Davis, Bureau Chief, Petroleum Storage Tank Bureau

I am glad to have this opportunity to introduce myself to the storage tank community. As you may have heard, the Department Secretary decided recently to move a number of us bureau chiefs around. Jerry Schoeppner, whom many of you knew, moved to the Ground Water Bureau and I was asked to take on the challenges of the Petroleum Storage Tank Bureau.

I have been with the Environment Department for almost six years, serving as the bureau chief of the Surface Water Quality Bureau. Some of you may know me from that position.

Although the functions of the Petroleum Storage Tank Bureau are new to me, I have been very impressed with the quality of the staff and its work product, and everyone has been quite helpful. With the challenges facing us as we begin regulating petroleum above ground tanks, I have been particularly pleased with, and grateful for, the work of program managers Kal Martin, Joyce Shearer and Anna Richards.

Of the many things I have learned already, the one thing that stands out most is the environmental importance of the work done by this bureau and our stakeholders. A good, ongoing relationship with the regulated industries, other stakeholders and the general public is the key to continued progress. I look forward to learning more, and getting to know many of you over the next several years. Please be patient with me as I learn this new job, and don't ever hesitate to make suggestions to me on ways we can improve. Thank you for your cooperation.

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Web Site Offers Easy-to-Use Forms

by Dominic McBride, PSTB Webmaster

The Petroleum Storage Tank Bureau is constantly seeking to improve its Web site by listening to the public, investigating new technology and finding better ways to serve its constituents through the Web. The Environment Department's home page is at www.nmenv.state.nm.us, while the Bureau is further down at www.nmenv.state.nm.us/ust.

Recent changes to the Bureau's Web site include a more comprehensive announcements page, listing of public hearings and meetings and other events, an easy-to-download staff and office list, an expanded reports page and a revamped Corrective Action Fund forms page. Of course,

you can always find the Petroleum Storage Tank Regulations on the site.

You may have noticed a change in the way we post documents on our Web site. The Bureau is converting all of its public documents into Adobe Portable Document Format (PDF). PDF is a universal format which most users are able to download and use. We are also working on making the forms that we provide on our site more useful by modifying them to be interactive. Users will soon be able to download registration, CAF and other forms and enter information directly.

If you have questions, suggestions or comments about our Web site, contact me at dominic_mcbride@nmenv.state.nm.us.



Deadlines and Requirements for ASTs and New Requirements for USTs

Compliance Deadline	Selected Requirements	PSTB Regulations
September 14, 2002 and July 1 for subsequent years	Registration and Annual Fees due for ASTs	20.5.2.200 & 20.5.3.300 NMAC
August 15, 2003	Meet performance standards when installing new AST systems: tanks, piping, secondary containment, venting, installation, vaults, dispensers and dispenser pans, and corrosion prevention plans	20.5.4.401 NMAC
	Certify the use of USTs for above ground use when installing as new AST systems	20.5.4.405 NMAC
	Obtain certification of installation when installing new AST systems	20.5.4.402 NMAC
	Meet release detection requirements when installing new AST systems	20.5.6.600 NMAC
August 15, 2004	Have spill and overfill protection on existing AST systems	20.5.4.402 NMAC
	Meet release detection requirements for existing AST systems	20.5.6.600 through 606 NMAC
	Submit corrosion prevention plans for existing UST and AST systems	20.5.4.400 & 401 NMAC
July 1, 2006	Implement corrosion prevention plans for existing AST systems	20.5.4.401 NMAC
July 1, 2007	Meet financial responsibility requirements for AST systems	20.5.9.901 NMAC
July 1, 2011	Certify the use of USTs for above ground use for existing AST systems	20.5.4.405 NMAC
	Meet performance standards for existing ASTs: tanks, piping, secondary containment, venting, installation, vaults, dispensers and dispenser pans	20.5.4.401 & 405 NMAC
	Upgrade or close all existing ASTs. Close any system that does not meet standards in Sections 401 and 402	20.5.4.405 NMAC

New Standards for ASTs: What to Install, Operate, Maintain

By Joe Godwin, Inspector, Las Cruces

The revised Petroleum Storage Tank Regulations went into effect on August 15, 2003 and include new requirements for aboveground storage tank systems (ASTs) and a few changes for underground storage tank systems (USTs). This article will outline the new requirements and changes to Part 4 (New and Upgraded Storage Tank Systems: Design, Construction and Installation) and Part 5 (General Operating Requirements). Contacts for more information on these new regulations, and where to get copies of them, are found elsewhere in this issue of *Tank Notes*. The Bureau's inspectors are also available to help you understand the new requirements, and what they mean for your particular installation. The standards generally follow provisions in national codes and standards, and mirror UST requirements whenever possible.

To meet the new performance standards in Part 4, ASTs may be either field-erected or shop-fabricated, but requirements for proper design, construction, installation and initial testing of tanks must be proposed to the Bureau for each type of tank. If any part of a tank system is made of steel, it must have a corrosion prevention plan. After the effective date of the regulations, August 15, 2003, no underground tank may be installed for above ground use unless certain certifications are provided to the Bureau. AST piping systems may be fiberglass-reinforced plastic, steel, or flexible, with specifications listed in the regulations for each type. The regulations contain an "alternate methods" section which allows owners and operators to propose to the Bureau new or different technology, tanks or piping in advance of installation.

Other sections of Part 4 cover new requirements for secondary containment, which may be constructed of concrete, geo-synthetic membrane or steel, but not clay, unless approved pursuant to an alternate methods request. Venting, installation and vault requirements are also addressed. If vaults are used each tank must be contained in its own vault, unless good cause is demonstrated to the Bureau for a variance. A containment sump, such as a dispenser pan, must be installed under each dispenser. These requirements must be followed for any new AST installed after August 15, 2003. The table on page 3 shows the deadlines for meeting AST requirements in more detail.

Part 4 also requires spill and overfill prevention equipment for ASTs by August 15, 2004, unless the AST system is located within secondary containment that meets the new performance standards. New installations must be certified by tank installers, who themselves have one year to become certified AST installers under Part 14 of the revised regulations. As shown in more detail on the deadlines chart, owners and operators of existing ASTs have several years,

until July 1, 2011, to upgrade to most of the other standards in Part 4, or to close.

Operation and maintenance are discussed in Part 5, which was revised extensively. The major changes are in the following areas:

- Proper disposal of accumulated liquid found in trenches, sumps, and secondary containment;
- Submittal of an operation and maintenance plan.
- Expanded list of critical junctures for UST systems and a list of critical junctures for ASTs;
- Proper notification of installation, critical junctures and releases by certified installers; and
- Notice of permanent closure to the Bureau.

Other sections of Part 5 cover operation and maintenance requirements for secondary containment, venting systems, spill and overfill control, and corrosion protection. Additionally, the part spells out the difference between repairs and modifications, and when they require certain types of tightness testing or equivalent test methods. Reporting and record keeping requirements are also contained in Part 5.

In the end, owners and operators who properly operate and maintain their storage tank systems in accordance with the requirements in Part 5 will see many long-term benefits and cost savings. It is far cheaper to follow the regulations and keep your tank system in good condition than it is to let it fall into disrepair and to have a release.



PEI Issues 2003 Edition of RP200

The Petroleum Equipment Institute has revised its "Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling" (PEI/RP200). RP200 is a comprehensive reference document for horizontal and vertical ASTs and single- or multi-walled ASTs for the storage of liquid motor fuels. Following RP200 will satisfy many of the requirements of the new AST regulations. Copies of the 2003 edition of RP200 can be ordered from PEI on-line at www.pei.org/shopping or by calling (918) 494-9696. PSTB inspectors also have copies available for review.

Register ASTs and Pay Tank Fees Now

Regulations requiring registration of ASTs and payment of annual tank fees were adopted in 2002 and the first deadline for payment of fees was September 2002. If you have not registered your ASTs or paid your fees, you should contact the Bureau immediately, as these are requirements for access to the Corrective Action Fund.

Report Releases within 24 Hours!

By Tom Leck, Project Manager, Albuquerque

Above ground storage tank owners and operators, please take note. If you suspect that there has been a release of petroleum product from your AST system, or if you know a spill or other release has taken place, you need to let the Petroleum Storage Tank Bureau know as soon as possible. The regulations require that you report a release or suspected release within 24 hours. You should call the Leak of the Week listed on page 6, or check the list on our website. If you don't have access to that information, call our main office at (505) 984-1787. For emergencies after hours and on weekends, call the NMED emergency number: (505) 827-9329.

Once you have called in your release, take whatever action is necessary to prevent further release from the system and notify your local fire official. In the meantime, the Bureau will assign your site to a project manager, who will be in touch with you within a few days, typically by letter. If you've called in an emergency situation, Bureau personnel will be on-site sooner to work with you, the fire department, or whoever else is needed to deal with the emergency.

There will be situations in which you see evidence of a spill or other release but don't know for sure where it comes from. This is called a "suspected release" and you must report it within 24 hours, just as you would a leak or spill that is obvious. For example, you may find free product or smell vapors, or there is an unexplained presence of water in the tank, or your inventory records are off. You will need to call this in and at the same time you must investigate further by doing a system test, a monitoring result test, or a site check as appropriate. These requirements are spelled out in Part 7 of the regulations (20.5.7 NMAC).

Once you have a confirmed release, you will need to hire a consultant to take any initial abatement measures that are necessary. Take a look at Part 12 of the regulations (specifically, 20.5.12.1203 and 1204 NMAC) so you can see what needs to be done. Be sure that your consulting firm is familiar with the regulations and is qualified by the Bureau to do the work (see p. 7).

It is very important that, as your consultant proceeds to investigate the problem, he or she begin submitting workplans to the Bureau for approval. Initial abatement measures do not require advance approval but all work beyond that – all investigatory work, all interim soil or free product removal and all remediation – must be pre-approved by your project manager. This is the case whether or not you want to access Corrective Action Fund dollars to cover the work. If you are not relying on Fund dollars, your consultant's workplan must receive technical approval before the work is done. If you are hoping that the Fund will cover the work, then the workplan and costs must BOTH be submitted and approved.

Accessing the Fund

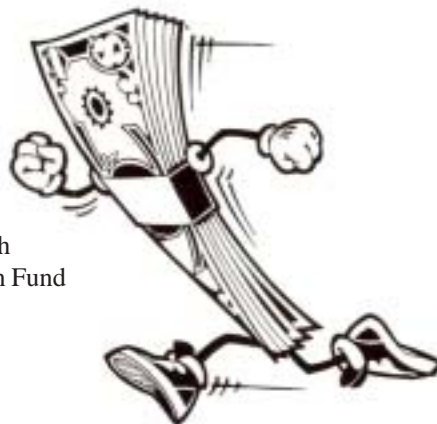
Funded by a petroleum products loading fee collected at the rack, the Corrective Action Fund is available to cover the costs of investigation and cleanup when a storage tank owner or operator has a release. The Fund is available to owners and operators who are in compliance with section 74-6B-8 of the Ground Water Protection Act – generally speaking, the owner and operator must have paid all tank fees (\$100 per tank per year, which is different from the petroleum products loading fee), be in substantial compliance with the Petroleum Storage Tank Regulations, and cooperate fully with the Bureau in the course of investigation and cleanup. However, it is the owner or operator's responsibility to hire the cleanup contractor and to pay the first \$10,000 of the minimum site assessment, although owners and operators with low throughput may be able to qualify for a reduced deductible. You should review Part 17 of the regulations to get a better understanding of the Fund and how it works.

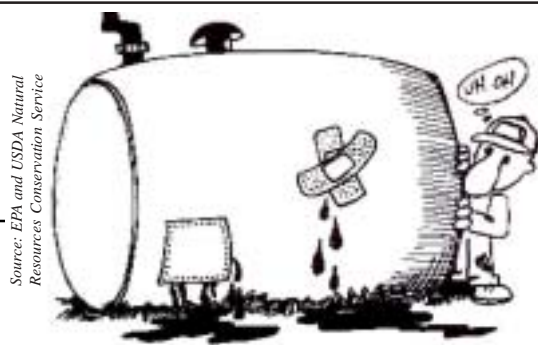
Corrective Action Fund Update

At the close of the fiscal year that ended June 30, 2003, Environment Department Secretary Ron Curry certified the unobligated fund balance of the Corrective Action Fund as \$953,305. As a result, the petroleum products loading fee will remain at \$150 a load.

The Secretary certifies the Fund based on the *unobligated* fund balance. The actual balance in the Fund at the end of the fiscal year was \$16,818,909, which includes \$1 million in emergency reserves and \$14,865,604 in workplan liabilities for pending cleanups.

Receipts from the loading fee in July equaled \$1,367,472, resulting in an unobligated fund balance at the end of July of \$2,596,782. This is not a lot of money in light of the fact that a new universe of storage tank sites — sites with releases from ASTs — has become eligible for corrective action using the Fund. The Bureau is always working to stretch Corrective Action Fund dollars.





LEAK O' the WEEK

Oct. 13, 2003 – Apr. 16, 2004

Report releases to the following staff during working hours. For emergencies during evenings and weekends, call the NMED emergency number: (505) 827-9329.

Oct 13-17	Tom Williams	841-9462
Oct 20-24	Tom Leck	841-9479
Oct 27-31	Dusty Rhoades	841-9456
Nov 3-7	Lane Andress	841-9478
Nov 10-14	Chris Holmes	984-1902
Nov 17-21	Pat DeGruyter	841-9188
Nov 24-28	Danny Valenzuela	984-1899
Dec 1-5	Bruce Furst	841-9475
Dec 8-12	George Beaumont	984-1948
Dec 15-19	Michael Leger	841-9189
Dec 22- 26	Susan von Gonten	984-1909
Dec 29-Jan 2	Jim Mullany	841-9349
Jan 5- Jan 9	Delbert Utz	984-1815
Jan 12-Jan 16	Tom Williams	841-9462
Jan 19-Jan 23	Tom Leck	841-9479
Jan 26-Jan 30	Dusty Rhoades	841-9456
Feb 2-Feb 6	Lane Andress	841-9478
Feb 9-Feb 13	Pat DeGruyter	841-9188
Feb16-Feb 20	Chris Holmes	984-1902
Feb 23-Feb 27	Danny Valenzuela	984-1899
Mar 1-Mar 5	Bruce Furst	841-9475
Mar 8-Mar 12	George Beaumont	984-1948
Mar 15-Mar19	Michael Leger	841-9189
Mar 22-Mar 26	Susan von Gonten	984-1909
Mar 29-Apr 2	Jim Mullany	841-9349
Apr 5-Apr 9	Delbert Utz	984-1815
Apr 13-Apr 16	Tom Williams	841-9462

Monitored Natural Attenuation Has Its Own Cleanup Track

By Pat DeGruyter, Project Manager, Albuquerque

Changes to the regulations on corrective action at petroleum storage tank sites became effective on August 15, 2003. Among the changes are new regulations that specifically address monitored natural attenuation of petroleum hydrocarbon contamination. These can be found in Part 12 of the PST Regulations: 20.5.12.1220 through 20.5.12.1226 NMAC. (We realize that *all* of the corrective action regulations are new to AST owners and operators.)

Q: What is monitored natural attenuation?

A: Monitored natural attenuation, or MNA, is defined in Part 1 of the PST Regulations as "...a methodology for remediation that relies upon a variety of naturally occurring chemical, physical, and biological processes to achieve target concentrations in a manner that is equally as protective of public health, safety, and welfare and the environment as other methods, and that is accompanied by a program of monitoring to document the progress and results of the above mentioned processes."

Q: When is MNA an appropriate site strategy?

A: MNA is an appropriate approach to corrective action if certain conditions exist. Your consultant should be able to answer the following questions before considering MNA:

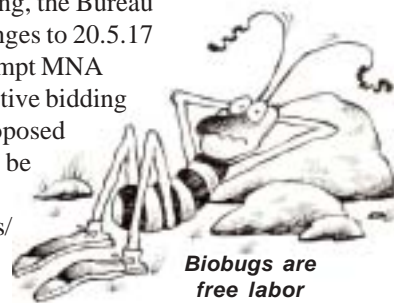
- Are the extent and magnitude of the soil and ground water contaminant plumes adequately characterized?
- Is the ground water contaminant plume stable or shrinking?
- Has the source area contamination been mitigated to the extent practicable?

If you can answer yes to each of these questions, your site may be a candidate for MNA. Your PSTB project manager in consultation with the PSTB Task Force will use information provided by your consultant to help make this evaluation.

Once a site has been approved for MNA in concept, a plan must be submitted to the Bureau for approval. You may notice that the requirements for an MNA plan in many ways parallel those for remediation plans.

A note on competitive bidding and MNA: Because nature provides the remediation and the only cost to the Corrective Action Fund is for development of the MNA plan, monitoring and reporting, the Bureau has recommended changes to 20.5.17 NMAC that would exempt MNA activities from competitive bidding requirements. The proposed changes to Part 17 can be viewed at

www.nmenv.state.nm.us/ust.



Work Plan Review Replaces "Certified Scientist" Test

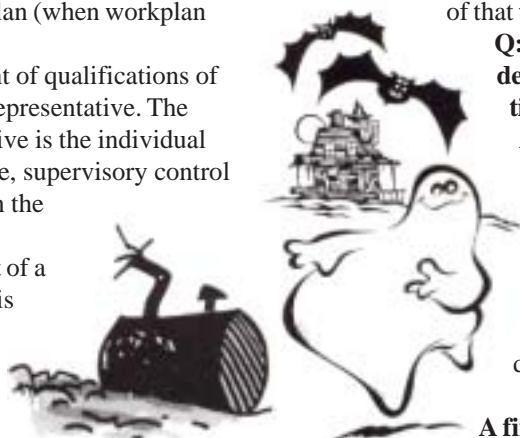
By Steve Reuter, Manager, Remedial Action, Albuquerque

Regulations on the qualification of firms to do corrective action have changed, effective August 15, 2003. The certified scientist program has been discontinued and firms must be approved to do corrective action on a workplan-specific basis. The details of these changes can be found in Part 16 of the PST Regulations, specifically 20.5.16.1609 through 20.5.16.1614 NMAC.

Q: What is required for a firm/person to be qualified to perform corrective action?

A: Under the Ground Water Protection Act, only persons qualified by the Department may perform corrective action using the Corrective Action Fund. (We will use the term "firm," but we mean to include individuals and agencies as well as companies.) A firm will be considered qualified upon Department approval of the following:

- the subject workplan (when workplan approval is required);
- a current statement of qualifications of the firm's authorized representative. The authorized representative is the individual with direct, responsible, supervisory control of the scope of work in the workplan; and
- if the involvement of a professional engineer is required for the scope of work in the workplan, a current statement of qualifications of the PE that complies with 20.5.16.1610 NMAC.



Q: What are minimum requirements for an acceptable statement of qualifications?

A: Statements of Qualifications (SOQs) are intended to document that a firm has, or has under contract, the necessary personnel with the appropriate experience to perform the scope of work outlined in the workplan. SOQs should include:

- the authorized representative's name and status with the firm. Examples of status include: sole proprietor, officer, partner, employee, or subcontractor;
- education relevant to the scope of work;
- experience relevant to the scope of work; and
- a listing of any licenses and certifications required to perform the work.

Firms performing corrective action must maintain their qualifications at all stages of the work in order for the costs of that work to be eligible for reimbursement from the Fund.

Q: Is there any recourse for a firm if the Department denies a request for qualification to perform a corrective action?

A: Both an informal review by the Department and a more formal review by the Department Secretary or his designee are available. A request for review must be in writing and specify the grounds upon which the firm objects to the decision to deny qualification. Any request for review must be postmarked within 15 days of the date of the Department's determination denying qualification.

A final note. For provisions on expediting the qualification process, see 20.5.16.1609.B and C. For details on the review process, see 20.5.16.1613 and 20.5.16.1614 NMAC.

Governor Appoints New Storage Tank Committee

The Storage Tank Committee has seven members appointed by the Governor. The committee reviews corrective action plans and financial reports on the Corrective Action Fund and makes recommendations to the Environment Department Secretary. The committee's meetings serve as a public forum on a variety of issues related to the state's program for managing underground and above ground storage tanks. These meetings take place in alternate months, in varying locations, usually in Santa Fe or Albuquerque. Minutes of meetings become available to the public upon approval by the committee and can be viewed on the NMED web site.

The members of the Storage Tank Committee are:

Chair **Jim Norton**, Chair (NMED) Director, Environmental Protection Division, Santa Fe, NM

Anthony Moya (Independent Retailer), Santa Fe, NM

Jimmy Esparza (Fire Protection), Espanola, NM

Ronnie Pynes (Wholesaler of Motor Fuels), Grants, NM

Joseph Chavarria (Corrective Action Expert), Santa Clara Pueblo, NM

Two members are yet to be appointed. One will represent a private citizen or interest group, and the other will represent a local elected official.

Questions about the committee or its meetings may be directed to Geraldine Madrid-Chavez at (505) 827-2425, or go to www.nmenv.state.nm.us and click on Law Center.

You can keep it all in your head, or . . . get your own copy of the new regulations!




New Mexico's storage tank regulations have been revised. If your Parts 1 and 4 through 16 do not show August 15, 2003 as their effective date, you do NOT have a current set. Parts 2 and 3 should have an effective date of June 14, 2002. (Tip: The effective date can be found in the 5th section of each part.)

As we go to press with *Tank Notes*, Part 17 is being updated. The June 14, 2002 version should soon be replaced by a 2003 version.

You can find the current regulations on the web at www.nmenv.state.nm.us/ust or ask your inspector for paper copies. And as soon as the amendments to Part 17 are approved we will put complete sets of the regulations together in bound volumes for your convenience.

How Do You Like Your Information? On Paper or On-Line?

**TANK
NOTES**

Tank Notes celebrates its 15th anniversary this year and is slowing down with age. Readers who have been with us for a long time will remember that *Tank Notes* was originally a 16-page quarterly. Over time, as the Bureau's website became the place to learn about regulations and programs, *Tank Notes* became less frequent.

15 Years!

Do you like getting a hard copy newsletter from us? Should we continue publishing *Tank Notes* occasionally, should we return it to its original format, or should we drop it altogether? If you have an opinion, let your inspector know – or drop a note to Anna Richards, PSTB, 2044 Galisteo, Santa Fe, NM 87504, send her an email anna_richards@nmenv.state.nm.us, or call her at 505-984-1925.

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NEW MEXICO ENVIRONMENT DEPARTMENT
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